

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KEITH BARRY ROBERTS,

 Petitioner,

 vs.

MAGGIE MILLER-STOUT,

 Respondent.

NO. CV-06-289-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND TRANSFERRING
CASE TO NINTH CIRCUIT COURT OF
APPEALS

Magistrate Judge Imbrogno filed a Report and Recommendation on November 3, 2006, recommending Mr. Roberts's habeas corpus petition be transferred to the Ninth Circuit Court of Appeals as this is Petitioner's second habeas petition challenging his 2000 Grant County convictions. There being no objections, the court **ADOPTS** the Report and Recommendation.

Accordingly, **IT IS ORDERED** this case is **TRANSFERRED** to the Ninth Circuit Court of Appeals, pursuant to 28 U.S.C. § 1631 and Ninth Circuit Rule 22-3(a).

Petitioner is advised this transfer does not of itself constitute compliance with § 2244(b)(3) and Ninth Circuit Rule 22-3; he must still file an application for leave to proceed in the Court of Appeals and make the showing required by § 2244(b)(2). Petitioner is directed

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1 to consult this statute and Ninth Circuit Rule 22-3 for further
2 information.

3 **IT IS SO ORDERED.** The District Court Executive is directed to
4 transfer all original documents to the Ninth Circuit Court of Appeals.
5 The District Court Executive shall, however, retain a copy of the
6 petition and of this Order in the file. The District Court Executive
7 is further directed to enter this Order and forward a copy to
8 Petitioner and close the file.

9 **DATED** this 8th day of December, 2006.

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11 ***s/Lonny R. Suko***

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13 LONNY R. SUKO
14 UNITED STATES DISTRICT JUDGE
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